

**REMARKS**

This patent application presently includes claims 1-4, all of which stand rejected over prior art.

On September 27, 2004, the undersigned held a personal interview Examiner G. R. Patel with respect to the referenced patent application, at which time the undersigned presented arguments which are discussed below. At the conclusion of the interview, agreement could not be reached as to the allowability of any of the claims, because an issue existed as to what was disclosed by Yamada U.S. Patent No. 5,331,615.

Based upon the discussion presented below and briefly discussed at the interview, it is believed that neither Yamada, nor any of the other cited references, nor any combination thereof renders the present claims obvious.

Claims 1 and 3 were rejected as anticipated by Yamada. This rejection is respectfully traversed. Yamada does not teach or suggest the present invention.

In accordance with the present invention, two different transfer functions (first and second transfer functions) are used to perform focus control, depending on whether an optical disc is or is not performing seek control. That is, the first transfer function is utilized when seek control is not being performed and the second transfer function is utilized when seek control is being performed.

As suggested by the title, the Yamada patent is addressed entirely to performing tracking control. This control is done on the basis of temperature.

Yamada initially discloses a prior art optical disc device. In this device, focus control is performed by generating a focus error in a comparator 306 this is phase compensated by a filter 307, and focus control is achieved by applying current to the coil 313. Depending upon the focus error signal the objective lens is moved up or down (column 2, lines 28-31). On the other hand, tracking control is achieved by generating a tracking error in comparator 18 phase compensating in a filter

300 and applying this signal to the coil 89. When current is applied to the coil 89, removable member 40 is pivotal about shaft 51, which moves the objective lens 10 perpendicular to the track so as to control tracking error (see the paragraph bridging columns 1 and 2). The Examiner was under the impression that tracking error is used to perform focus control, but this is clearly not the case.

In the first embodiment of Yamada (shown in Fig. 2), there is no discussion at all of focus control, and the components related to it are not even discussed or shown. The only reasonable conclusion is that focus control is performed in the conventional manner.

In the second embodiment of Yamada focus control components are shown, and the coil 313 is energized as in the prior art through a separate circuit, again including the comparator 306 and filter 307. The filtered focus control signal is applied to coil 313 through a switch 310 which has three positions. With the switch in position A focus control is performed (column 10, line 15-17). This is just conventional focus control. With the switch 310 in position B, an oscillator signal is applied to focus control coil 313, causing the movable member 40 and rubber 52 to rise in temperature (columns 10, lines 9-12). This is done so as to make use of the temperature base tracking control feature. With switch 310 in position C, the focus control coil 313 is grounded and there is no focus control.

The upshot of all this is that, whenever Yamada does perform focus control it does so in the conventional manner. Tracking error is never used for focus control.

The Examiner's basis for this rejection was that Yamada was changing transfer functions during a seek operation, so that a different transfer function was used depending upon whether or not seek was performed. However, as demonstrated above, Yamada deals only with tracking control.

There is not the slightest suggestion in Yamada that focus be done in any manner other than the conventional manner. In particular, one could not possibly derive from Yamada any

suggestion to perform focus control with a different transfer function depending on whether or not seek is being performed. Accordingly, 1 and 3 are believed to be allowable.

Claims 2 and 4 were rejected as obvious over Yamada in view of Janssen U.S. Patent No. 4,037,252. This rejection is respectfully traversed. Neither reference nor the combination thereof renders the present claims obvious.

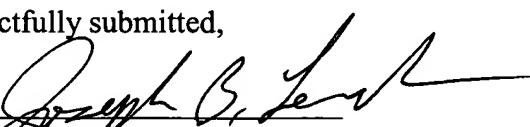
As was the case with Yamada, Janssen discloses nothing about performing focus control with different transfer functions, depending upon whether seek is or is not being performed. Accordingly, the combination of these two references would also not teach or suggest this feature. Claims 1 and 3 are therefore allowable over the combination of these references for the same reasons as stated above.

Claims 2 and 4 depended from allowable claims and are believed to be allowable on that basis.

Applicants attorney has made every effort to demonstrate that all of the claims are presently in condition for allowance. It is therefore earnestly requested that this application, as a whole, receive favorable reconsideration and that all of the claims be allowed as presently constituted. Should there remain any unanswered questions, the Examiner is requested to call the applicants' attorney at the telephone number indicated below.

Dated: September 30, 2004

Respectfully submitted,

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